



Annual Review

The [Children and Families Act 2014 Section 44\(1\)](#) and [SEND Regulations 2014 \(sections 18-21\)](#) set out the statutory duty on a local authority to review the Education Health & Care Plan (EHCP) in order to ensure that your child is making progress and receiving the provision to meet their needs. This is an ongoing requirement for the EHC plan to be reviewed by the LA at least annually. This is referred to as the Annual Review. In Early Years an EHC plan should be reviewed every 3 to 6 months ([CoP 9.178](#))

What is an Annual Review?

The Annual Review is more than just a review meeting, it is a process that must be completed on or before the anniversary of when the EHC plan was first issued or the anniversary of the last review. An Annual Review must be undertaken in partnership with the child and their parent or the young person, and must take account of their views, wishes and feelings, including their right to request a [personal budget](#).

Arranging an Annual review

Annual reviews should take place once a year and are usually arranged by the school setting. You can request an early annual review at any time if you have good reason. You will need to contact the [SEND Operations Team](#) to request an annual review.

Phase Transfer Annual Review

LA's have a legal duty to review and amend an EHCP when a child transfers from one phase of education to another i.e. primary to secondary. This is called a 'phase transfer' Annual Review. The [phase transfer annual review](#) is an opportunity for all parties (parent, school and child) to discuss the upcoming transition and to consider preferred

Annual review meeting

Parents of the child/young person will be invited and given **2 weeks'** notice to attend the review meeting, usually held at the educational setting. Parents can request who they would like to invite to either attend the review or provide any updated information about their child. This can be any education, health, and social care professional supporting the child/young person. Being invited does not guarantee the professional attendance at the Annual review. However, the school/setting **must** seek information from all invited and circulate this at least **2 weeks** before the date of the meeting. An Annual Review is an opportunity to discuss:

- If your child/young person's education, health, or social care needs have changed, and the EHCP is no longer accurate.
- If the education, health, or social care provision in the EHCP is no longer meeting your child/young person's needs.
- The parent or education setting may have concerns that the school placement (section I) is no longer meeting the child/young person's SEN. Parents can request a change of placement at an Annual Review meeting.

Preparing for an annual review

Annual review report

Within **2 weeks** of the Annual Review meeting, the host of the meeting must prepare and send out a review report to both the parents and the LA. It is important to check through this report to ensure it is an accurate reflection of the review meeting. The Annual Review Report must set out any changes that have been suggested, including where there may be a difference of opinion amongst those who attended the meeting and about what those changes might be.

LA Decision

Once the LA have reviewed the report, they will write to the parents and the school with their decision within **4 weeks** of the review meeting. The Local Authority will either continue to maintain the EHCP in its current form, amend the EHCP or cease to maintain.

Continue

No amendments

If the decision is to keep the EHCP the same then you will also be provided with notice of your right to appeal and information about mediation. For Essex this is Global Mediation. [Mediation](#)

Amend

Cease

Why would an LA cease a plan?

When a LA decides to take away or end an EHCP, this is called '**ceasing to maintain**'. This means that the EHCP will come to an end and the LA will no longer have the legal duty to ensure that the educational provision. The Parents/ Young person can appeal this decision if they do not agree. [Ceasing an EHC plan](#)

Draft EHCP

If the decision is to amend, the LA must send a copy of the EHCP to you with notice of the proposed amendments and any evidence supporting these. It is important to check through the draft EHCP to ensure it correctly reflects the child's needs and contains everything it should. The LA will give you **15 days** to raise any comments about the draft EHCP, request a meeting and name a preference school or school type. [Draft EHCP](#)

Final plan

The LA **must** issue a finalised EHCP within 8 weeks of the date they sent you the amendments. With a phase transfer Annual Review the LA **must** finalise the plan by the dates set out in [Regulation 18 SEND Regulations 2014](#).

Appeal

If a parent does not agree with an LA decision they may have a right of appeal. SENDIASS may be able to support you with your [appeal](#)